

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY JMB D.C.

05 SEP - 8 PM 12:06

KEVIN HAMMONS,

THOMAS M. GOLD
CLERK U.S. DISTRICT COURT
WD OF TN, MEMPHIS

Plaintiff,

v.

No. 04-2243-BV
JURY DEMANDED

LASIK VISION INSTITUTE, LLC, PEARLE
VISION CENTER, INC., PEARLE VISION
CENTER OF TENNESSEE, INC. and
DAVID S. MURPHY, M.D.,

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05 SEP - 9 PM 12:36

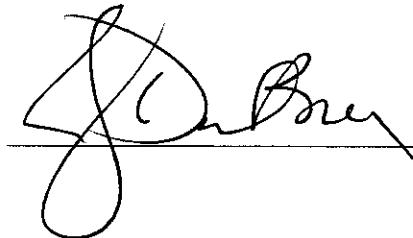
Defendants.

NOTICE OF DISMISSAL UNDER RULE 41 AS TO PEARLE VISION, INC., ONLY

COMES NOW the Plaintiff, pursuant to Rule 41 of the Federal Rules of Civil Procedure and gives notice that it does now voluntarily and by stipulation dismiss the Plaintiff's action in this cause only against the Defendant, Pearle Vision, Inc.

AGREED:

Mr. Randall N. Songstad (BPR# 18442)
6077 Primacy Parkway, Suite 102
Memphis, TN 38119
(901) 683-5880
Attorney for Kevin Hammons



This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 9-9-05

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the following by placing a copy in the United States Mail, postage pre-paid, this 8th day of September, 2005:

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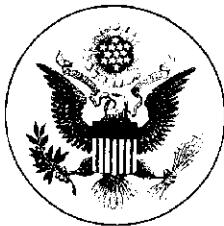
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Notice of Distribution

This notice confirms a copy of the document docketed as number 52 in case 2:04-CV-02243 was distributed by fax, mail, or direct printing on September 9, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT